

Meeting of 2005-4-26 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 26, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
 Col. Keith Herring, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Edward Copeland, Mount Gilley Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two

Glenn Devine, Ward Three (Arrived @ 6:15 p.m.)
Amy Ewing-Holmstrom, Ward Four

Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: None.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO GROVER SEWELL, BUILDING MAINTENANCE WORKER III, PARKS & RECREATION DEPARTMENT.

Kim Shahan, Parks and Recreation Director, introduced Grover Sewell as Employee of the Month. His employment with the City of Lawton began on February 24, 1976. His first job was with the Lawton Police Department with a program called CETA. After one year he moved to the cemetery as a gravedigger. After several months he was hired to work in the Building Maintenance Division. Grover s family life tops the lists of his hobbies. His pride and joy consists of his wife, children, stepchildren and grandchildren. He also enjoys hunting and fishing. Shahan said Grover assists gladly in any task he is asked to perform. Mayor Purcell presented a plaque, certificate of honor, two days of nonchargable leave, script money from Chamber merchants and a Mayor s Do What s Right coin. Mr. Sewell thanked everyone for his nomination.

PRESENTATION OF PROCLAMATION FOR FLOOD AWARENESS MONTH.

Mayor Purcell asked Deborah Jones, Acting Planning Director, to come to the stage for the presentation. He stated the Planning Division works very hard to acquire certification so that every year local flood insurance rates go down.

AUDIENCE PARTICIPATION:

Shahan stated the Retired Senior Volunteer Program would like to invite the public to the opening of the City of Lawton Visitor Center at the Museum of the Great Plains on Monday, May 2nd at 10:00 a.m. They started this as an ambassador program for the senior population to be involved, and they still have available time slots for those who would like to volunteer.

Keegan Ledford, 3802 NE Cache Road, thanked the City of Lawton for the East Side Park. The ball fields are as nice as anywhere across the state.

Mayor Purcell recognized Councilman elect Keith Jackson who was in attendance.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF APRIL 12, 2005.

MOVED by Warren, SECOND by Haywood to approve the Minutes of April 12, 2005. AYE: Patton, Haywood, Warren, Shoemate, Givens, Ewing-Holmstrom, Shanklin. NAY: None. ABSTAIN: Devine. MOTION CARRIED.

CONSENT AGENDA: Mayor Purcell asked that Item 20 be stricken. Warren requested separate consideration for Item 21.

MOVED by Warren, SECOND by Ewing-Holmstrom, to approve the Consent Agenda items as recommended with the exception of Items 20 and 21. AYE: Haywood, Warren, Shoemate, Givens, Ewing-Holmstrom, Shanklin, Patton. NAY: None. ABSTAIN: Devine MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Shirley Cummiskey in the amount of \$1,535.21 and Tonyha and William Haywood in the amount of \$500.00. Exhibits: Legal Opinions/Recommendations; Resolution No. 05-____, Resolution No. 05-____.
2. Consider the following damage claims recommended for denial: Tony Ferrante, Sr. in the amount of \$100,000.00. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution approving the settlement by a joint petition and making payment in the Workers Compensation case of John Scott Reed in the Workers Compensation Court, Case No. 2003-10336-X. Exhibits: Resolution No. 05-____.
4. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Neil West and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Legal Services on file in City Clerks Office.
5. Consider approving the record plat for Yorkshire Estates and accepting the improvements and maintenance bond. Exhibits: Plat Map, Maintenance Bonds on file in City Clerk s Office.
6. Consider acknowledging the receipt of a permit from the Oklahoma State Department of Environmental Quality for the construction of 1,560 linear feet of eight (8) inch PVC water line and all appurtenances to serve the Yorkshire Estates, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit is on file in the City Clerk s Office
7. Consider approving the construction plat for Dove Creek Addition, Part 1, subject to one condition. Exhibits: Plat Map.
8. Consider accepting an easement from Tompkins Trust, which is needed for the Squaw Creek Drainage Project, and authorize the Mayor and City Clerk to execute the easement and authorize the Mayor to sign a thank you letter to Tompkins Trust for the donation of the easement. Exhibits: Easement and Thank You Letter are on file in the City Clerks Office.
9. Consider continuation of a contract with the Comanche Tribe of Oklahoma for fire protection and emergency medical service on property located at 402 SE Interstate 44 and not within the jurisdiction of the City of Lawton. Exhibits: Contract on file in City Clerk s Office.
10. Consider continuation of existing contracts with the Comanche Tribe of Oklahoma for water and sewer services and fire protection and emergency medical service on property located at 501 NE Laurie Tatum Road and not within the jurisdiction of the City of Lawton. Exhibits: Contract on file in City Clerk s Office.
11. Consider approving a resolution requesting the Oklahoma Department of Transportation to include SE 45th Street between Lee Boulevard (SH7) and Gore Boulevard in their Eight Year Construction Program. Exhibits: Resolution No. 05-____
12. Consider approving a resolution requesting the Oklahoma Department of Transportation to include NW 67th Street between Cache Road and Rogers Lane (US 62) in their Eight Year Construction Program. Exhibits: Resolution No. 05-____.
13. Consider acknowledging receipt of permit for the construction of a waterline and appurtenances from the Oklahoma Department of Environmental Quality to serve the 2005 CIP Waterline Replacement Project #2004-3, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit is on file in the City Clerk s Office.
14. Consider approving Change Order No. 1 for the Modification of the Existing Landfill Leachate Collection System Project #2004-11 with L. D. Kemp Excavating, Inc. Exhibits: A copy of the change order is on file in the Engineering Office.

15. Consider awarding a construction contract to Barnett Paving & Sealing LP for the 2005 CIP Oil/Chip Street Project #2005-10. Exhibits: None.

16. Consider approving plans and specifications for the NW Ashby Avenue & NW Ferris Avenue Street Reconstruction Project #2005-1 and authorizing staff to advertise for bids. Exhibits: None.

17. Consider rejecting the bid proposal for the Lake Helen Fish Habitat and Access Improvement Phase II Project #2004-12 and authorize staff to re-advertise. Exhibits: None.

18. Consider approving the record plat for Doe Doe Park Development, Part Two Replat of a portion of Blocks 6, 7, and 8, Radio City Addition. Exhibits: Plat Map.

19. Consider approving the First Amendment to the Outside Water Sales Contract with Valley View Water Association, Inc., which would increase the maximum number of individual meters from twelve (12) to thirteen (13), and authorize the Mayor and City Clerk to execute the amendment.

Exhibits: Request letter, First Amendment is on file in the City Clerks Office.

20. Consider approving the First Amendment to the Outside Water Sales Contract with Tri-Creek Water Association, Inc., which would increase the maximum number of individual meters from four (4) to eight (8), and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Request letter, First Amendment is on file in the City Clerks Office.

This item was stricken.

21. Consider awarding contract for Mid-size sedan (CL05-035). Exhibits: Department recommendation and Abstract of Bids.

Warren questioned why staff is recommending the Toyota when it was not the low bidder. It does not seem that the same information is available for all the vehicles. That might explain why the cost is different.

Greg Buckley, Assistant City Manager, stated the Toyota is a larger vehicle than the Honda and also gets better gas mileage, 60 miles a gallon in city versus 48 miles a gallon in the city for the Honda. Last year the City purchased a Honda and this Toyota will be the second pilot car. They will determine which car will be a better vehicle.

Warren stated he would like to have the same information for each vehicle.

MOVED by Warren, SECOND by Ewing-Holmstrom, to award the contract for mid-size sedan to Fiesta Toyota of Lawton. AYE: Warren, Shoemate, Givens, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

22. Consider awarding contract for Mowing and Litter Contract II (CL05-042). Exhibits: Department recommendation and Abstract of Bids. Action: Contract awarded to Teen Challenge of Oklahoma (Area G and H) and WFS Service, LLC (Area D, E, I, J and K) and not award Area L.

23. Consider awarding contract for Mid-Size Pick-Up Truck (CL05-035). Exhibits: Department recommendation and Abstract of Bids. Action: Contract awarded to Hudiburg Auto Group of Midwest City.

24. Consider awarding contract for Skid Steer Loader (CL05-041). Exhibits: Department recommendation and Abstract of Bids. Action: Contract awarded to G and R Equipment Company dba Bobcat of Oklahoma City.

25. Consider approving the following contract extensions: Library Book Contract (CL03-047) with Scholastic Library Publishing; Davidson Titles, Inc., Recorded Books, LLC, Regent Book Company; Publishers Quality Library Service; Thompson Gale Library; Crane Service (CL04-047) with Allied Steel Construction Company, LLC Wastewater Treatment Plant; Manhole Lining Materials (CL03-059) with The Strong Company, Inc. Sewer Construction; Tree Transplanting Service (CL03-060) with Booker Tree Service Parks and Grounds. Exhibits: Contracts, information from previous bid award, and letters of staff recommendations on file in Financial Services Office. Action: Approved all contract extensions.

26. Consider approval of appointments to boards, commissions. Exhibits: None.

CITIZENS' ADVISORY COMMITTEE ON CAPITAL IMPROVEMENT PROGRAM:

George F. Kraus, Mayor s Appointment, 4/26/05 to 4/26/08

Jim McCarthy, 4/26/05 to 4/26/08

CODE REVIEW COMMITTEE: Mike Brown

LAWTON HOUSING AUTHORITY: Terry Jones, Housing Rep, 4/26/05 to 4/26/08

PARKS & RECREATION COMMISSION : Jerry Thorn, Mayor s Appointment, 4/26/05 to 4/26/07

TRAFFIC COMMISSION:

Larry Jefferson 4/26/05 to 4/26/08

Barry Ezerski 4/26/05 to 4/26/08

Shaun Wicker 4/26/05 to 4/26/08

27. Consider approval of payroll for the period of March 28 to April 24, 2005. Exhibits: None.

OLD BUSINESS ITEMS:

28. Consider awarding contract for Mid-size SUV (CL05-035). Exhibits: Department recommendation and Abstract of Bids.

This item was stricken.

29. Consider adopting Ordinance Number 05-__ repealing and replacing Division 2, Article 2, Chapter 22, Lawton City Code, 1995, establishing a water system capacity fee for all new taps; its application to new and amended water sales contracts: providing standards and criteria for water main extensions and lease-purchase agreements with developers to recover the costs and declaring an emergency. Exhibits: Ordinance No. 05-__, Proposed Fee Schedule, Commentary from October 12, 2004 and extract from minutes, Public Works Development Cost Study dated July 29, 2004 sent under separate cover.

Mayor Purcell questioned what was the pleasure of the Council. There are several people in the audience that want to speak and the City Council heard over two hours of input at the special meeting on April 19th.

MOVED by Patton, SECOND by Shanklin, to open up discussion on items #29, #30, and #31. AYE: Haywood, Warren, Shoemate, Devine, Patton. NAY: Givens, Ewing-Holmstrom, Shanklin. MOTION CARRIED.

Mitchell stated in the packets is the original ordinance followed by an ordinance with red lettering and undermarks. The red lettering indicated the changes that were made after the special meeting on April 19th. To summarize there are four issues: 1) desire to have an oversight committee, 2) all fees collected be deposited in a dedicated account, 3) the construction projects financed by this fee would be determined by the City Council and 4) those projects will be for new construction and not repair. They are also proposing two amendments. One has to do with changing the boundary description referred to as the downtown area. They are recommending changing to a boundary between NW Ferris Avenue on the North, Lee Boulevard on the South, 6th Street on the East and 17th Street on the West. On the Fee Schedule, the commercial non-residential fee for 1 meter was originally set at \$3,300, staff is recommending that fee be dropped to \$2,000.

Patton questioned how the fee would relate to affordable housing or senior housing. Staff is recommending an impact free zone, but should they look at any other areas.

Givens stated if there is a project that is for seniors or low income, the City Council could waive those fees. They can handle those issues without diluting this ordinance.

Mitchell stated the City Council could look at those individual applicants and made a determination.

Vincent stated he could add a provision in section 221 or 222 as appropriate for the City Council to consider on a case by case basis a waiver or partial waivers. Generally, you cannot waive an ordinance. Another concern is in Lawton View, years ago they took out the meters and are just now going back in with certain redevelopment projects. He said they were talking about construction plats which were approved prior to January 1, 2005. If there is new construction, even though it is an old plat on an old lot, it may or may not be impacted by this ordinance. They would need to look at the circumstances of that particular lot.

Mayor Purcell stated that staff will address this issue by adding staff may apply to the City Council for a waiver modification on a case by case basis.

Vincent stated it would be very easy to add that any applicant for a low and moderate housing project may apply.

Patton stated that was his intent.

Shanklin stated he would like changes made in Section 22-2-2-221 and change the word approved in the first

sentence to read as recommended by the Director of Public Works.

Givens asked if Jerry Ihler, Public Works Director, had a list of future projects showing where they are located and how much each cost.

Patton stated he sees the oversight committee as a very important issue, including the formation of the committee as well as the number of members. He questioned when that committee would be appointed.

Mayor Purcell stated the committee would be established when the City Council is ready.

Patton questioned when members would be added.

Mayor Purcell stated he is having a terrible time with committee members showing up for meetings. Committee meetings are going nowhere because there are no quorums. He stated they did not need thirteen people on this committee to make a recommendation to the City Council. This proposal is a very workable committee with everyone represented.

Ewing-Holmstrom stated she has been to three Traffic Commission meetings where there was no quorum. Everyone wants to help, but no one wants to show up for the meetings. It is very frustrating for citizens who expect something to be voted on or to hear an issue and the meeting is cancelled. She stated these are some of the same people.

Mayor Purcell stated there is a policy that states if a member misses three meetings in a row they are off the committee. He is starting to enforce this policy. For this oversight committee, he will ask for names from all those interested parties and have the City Council vote on the members.

Mayor Purcell asked Ihler to brief the City Council on the projects that are needed and the cost.

Ihler stated that staff took the 10 and larger maps for the water distribution system and water transmission system within the city and well as the sewer and waste collection system. They looked at the areas based on the 2020 plan and on recent and proposed development discussed within the city in the last six months. He said they had the I-44 water main extension, the proposed Comanche Nation casino expansion and the convention center. This 18 line would help serve that area. On the west side, they are looking at development north of the railroad tracks, west of 82nd to 92nd and 112th. The projected cost for water to that area is approximately \$3.5 million. The southwest portion from 82nd Street back east to 52nd street, they are looking at some proposed developments. The projected cost for this area is \$1.7 million. East of 45th Street, 12 and 18 lines are projected in the next 10 years at a cost of \$2.2 million. Staff projects just under \$8 million in projects over the next 10 years on water side. With regards to sewer, on the east side they have the nine-mile creek sewer line at a cost estimated at \$5.5 million. From the west side, they have projected costs of \$1.2 million. On south side and east side there will be small lines that would tie in to the proposed nine-mile creek area. There are also two projects that are proposed in the phase three sewer rehab program. The growth is the result of the west side north wolf creek expansion from Bishop Road to 75th street, estimated in the neighborhood of \$8 million. Over development in the next ten years they are projecting costs near \$15 million. This could change depending on how fast things develop and the growth of the city.

Ewing-Holmstrom questioned how many people outside the city limits would be served by the nine-mile creek sewer main extension. Will more Lawton citizens or non-citizens be served.

Ihler stated more would be served outside the city limits, based on that area today.

Devine questioned if they are trying to accumulate the \$15 million from these impact fees.

Ihler said this would not recoup the full amount to provide for that growth in a ten-year period. Based on the current proposal, they are looking at \$500,000 per year. Over a ten year period this would produce about \$5 million.

Devine stated if they applied a \$1 per month fee to each 5/8 water meter, \$2 to each 1 meter, \$3 to each 1 , \$4 to 2 and so on, this would accumulate roughly \$420,000 per year. This would not assess such an impact on the developers and builders and would not slow down growth. Builders and developers are the lifeline of this city.

Warren stated that he truly sees all sides to this issue. He feels that they have spent the last seven to ten years building a confidence within the citizens that we have found problems, identified what it will cost to fix and have found revenues in one or multiple sources. Citizens understand all this and they know that \$400,000 in impact fees will not remedy this problem. There is no new revenue stream over the next seven years. The

citizens are savvy enough to know that this funding will come from them in one form or another. He does not want to hinder growth, but at the same time they can't let it overtax the infrastructure. The citizens want to know the whole problem, what the solution is, and they will want to help fix the problem. They have overwhelmingly helped in the past seven to ten years.

Jamie Hall stated he represented two businesses at 3 SE Interstate Drive and 201 SE 7th Street. He requested that the City Council reconsiders the exemption area to extend all the way to the Interstate. That area will probably be developed with more hotels and restaurants. These are the businesses that will have the most difficulty maintaining overhead. This type of fee will most likely be absorbed in payroll costs.

Steve Barnes, 3601 Baltimore, stated he is representing the Lawton Homebuilders Association. He said in the previous meetings, objections to the fees were given along with remedies from builders and developers. On April 11th a final list was given. On April 22nd he picked up a final draft of this ordinance and was surprised by its content. They came up with a three page list of items which were faxed to the City Manager requesting that he distribute to the City Council. They are concerned that there is not a commitment to form the oversight committee. They are requesting that two builders and two developers be included in this committee, so that the east side and west side of town be equally represented. They are also concerned that the issue of rural development is not included in the proposed ordinance. Individual water meters in rural areas will not be charged an impact fee, but master meters will. He stated on behalf of the Lawton Homebuilders Association, he respectfully requests that the City Council deny approval of the water and sewer ordinances.

Dana Davis, Lawton-Ft. Sill Chamber of Commerce, stated they were concerned about the issue of rural water and felt that if those fees impact the citizens within the city limits that those charges should also be paid by those residing outside of the city limits. They also had recommended dedicating a portion of the sales tax associated with new home sales. The City Manager indicated that this issue would be something the City Council will also consider during the budget process.

Vincent stated there are over seventy contracts for outside water sales with the City of Lawton. Some of those contracts have a specific number of meters that are allowed to tie in an existing contract. As those contracts come up for amendment they contain an impact fee clause and will be charged against that new meter. For those contracts that do not have a specific number of meters, it would require a contract amendment. They can try to amend contracts, but the person who has a contract does not have to amend it if they do not want to as long as it stays valid.

Mr. Davis stated that when those contracts come up for renewal, he would suggest that a system be put in place for those residents to pay the same fees that are paid inside the city limits.

Mitchell stated in Section 223, there is a provision that states that the fees will apply to new or amendments of existing water service contracts based upon a change in the master meter.

Keegan Ledford, 3802 NE Cache Road, stated page 101, paragraph B of the proposed ordinance regarding the lease purchase agreement states that the city will require any person, firm or corporation requesting a new water service connection within the defined services to pay the developer and owner. It then says that the city does not assume or accept any liability of responsibility for the collection of payment to the owner and or developer set forth under paragraph B. The first stated says that the city will require, but then it states the city will not take responsibility.

Vincent stated that this Council could not bind a future Council. If they want to repeal this ordinance ten years from now, the future Council has that right to do away with the fee. The contract is for twenty-five years, and if a line goes out so many miles from the city and no one ties on to that line for twenty-five years, there is no fee to collect, so the City cannot be liable.

Mr. Ledford questioned if he put in line a quarter mile down the road and two people tie on, how would he collect.

Vincent stated the City is required by this ordinance to collect that money at the time of the tap.

Givens stated if they do nothing, at some point in the near future all development to the west would cease because we will not have the capacity to handle that development. He does not agree with the idea to place additional fees on the water bill. The proposed fee may not bring in enough money to fund all these projects, but it will bring in a significant amount. Hopefully as the project come around there will be some extra sales tax money. To do nothing will get us nowhere.

Patton questioned what is the plan if this proposed ordinance is passed.

Mitchell stated that in his observation, if they collect \$400,000 a year, they can address the issue on the west

side of Lawton. They could issue a 3 year bond or 4 year revenue bond and address and solve the west side project. They will at least generate enough to solve one problem. There is a huge development planned for the west side and any revenue realized from this fee will be lost.

Mayor Purcell stated the worst thing that could ever happen is that we get to the point where we have no capacity. They need to take a step forward or do nothing.

Shanklin stated at the previous meeting an individual stated that for every \$1,000 increase in a home, 400,000 people are disenfranchised. He spoke with his banker who said that it equals to approximately \$2.50 for that \$1,000 over a 30 year period. He does not believe that \$2.50 will disenfranchise 400,000 people.

Warren stated they have divided this into an east, west and central issue. It is a Lawton issue because everyone has a stake and that growth in sales tax is supporting the government for everyone. If they tell the citizens what is needed they will be supportive.

Frank Richards, 322 SE Camelot Drive, stated the City Council is about to make the biggest mistake they can ever make if they pass this impact fee. He believes that there is enough people in the community to support a \$300,000, \$400,000 or \$500,000 bond issue per year. They could have \$15 million worth of revenue bonds quickly. He also believes that the citizens would support an additional fee on their water bill. There are several ways to raise this money. This impact fee will hurt the development of this community.

Mayor Purcell asked Mr. Richards how they are going to pay the interest and debt service on that \$15 million.

Mr. Richards stated they can raise \$400,000 or \$500,000 easily and not hurt anyone in this community. They could add to the water bill or initiate a cent sales tax.

Ewing-Holmstrom stated that the average citizen does not want to pay any more on the water bill.

Haywood stated it is going to take money to develop all this land. He would like to see development downtown. They need to come together and make the best decision for the city.

MOVED by Devine, SECOND by Ewing-Holmstrom, to deny Ordinance 05-13.

SUBSTITUTE MOTION by Shanklin, SECOND by Patton to approve Ordinance 05-13 with all changes discussed, waive reading of the ordinance, read the title only and declaring an emergency. (see amendment) AYE: Shoemate, Givens, Shanklin, Patton, Purcell. NAY: Warren, Devine, Ewing-Holmstrom, Haywood. MOTION CARRIED.

Amendment: Due to a lack of six affirmative votes, emergency section was not passed.

(Title read by City Attorney) Ordinance 05-13

An ordinance pertaining to utilities repealing and replacing Division 22-2-2, Article 22-2, Chapter 22, Lawton City Code, 1995, water system impact fee, application of water system impact fee to contracts for water service for legal entities located outside the city limits, providing for severability, repealer and declaring an emergency.

30. Consider adopting Ordinance Number 05-___ creating Division 22-3-14, Article 3, Chapter 22, Lawton City Code, 1995, establishing a sewer system capacity fee for all new taps; providing standards and criteria for sewer main extensions and lease-purchase agreements with developers to recover the costs and declaring an emergency. Exhibits: Ordinance No. 05-___, Proposed Fee Schedule, Commentary from October 12, 2004 and extract from minutes, Public Works Development Cost Study dated July 29, 2004 sent under separate cover.

Mayor Purcell stated this is basically the same ordinance with all the same words, except this will pertain to sewer. If the City Council desires, they need to make the same changes recommended by the Public Works Director.

MOVED by Devine, SECOND by Ewing-Holmstrom, to deny Ordinance 05-14.

SUBSTITUTE MOTION by Shanklin, SECOND by Givens to approve Ordinance 05-14 with all changes discussed, waive reading of the ordinance, read the title only and declaring an emergency. (see amendment) AYE: Shoemate, Givens, Shanklin, Patton, Purcell. NAY: Devine, Ewing-Holmstrom, Haywood, Warren. MOTION CARRIED.

Amendment: Due to a lack of six affirmative votes, emergency section was not passed.

(Title read by City Attorney) Ordinance 05-14

An ordinance pertaining to utilities creating Division 22-3-14, Article 22-3, Chapter 22, Lawton City Code, 1995,

sanitary sewer impact fee and extension procedure, providing for severability, codification and declaring an emergency.

31. Consider a resolution creating water and sewer capacity fees in Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995. Exhibits: Resolution No. 05-__.

Mitchell stated the only change is the non-resident displacement for 1 and below will change from \$1,500 to \$1,000 in paragraph 22-223 and paragraph 22-315.

MOTION by Patton, SECOND by Givens to approve Resolution 05-69 with all changes discussed. AYE: Givens, Shanklin, Patton, Purcell. NAY: Devine, Ewing-Holmstrom, Haywood, Warren, Shoemate. MOTION FAILED.

Mayor Purcell stated they passed the ordinances, but did not pass the fee schedule. He questioned where they go from here.

Shoemate stated he was concerned with the cost of the 6 and 8 lines. He felt the fees needed to be reduced.

Mitchell stated in the original proposal, the fee was based on the volumes that are generated by those size of meters. In the original proposal an 8 meter was set at \$117,000 and it has been reduced to \$70,000. The primary reason for that type of fee is because those sizes pull a lot more volume. If they reduce that fee you would encourage someone to oversize their meter.

Shoemate questioned how many 6 and 8 inch line we currently have.

Mitchell stated there were none issued last year. The only 8 lines are at Bar S and Goodyear. They issued two 4 meters last year for hotels.

Shoemate questioned what size would be needed by the new shopping center.

Mitchell stated most of those lines will be 2. On a rare case it will need 4.

MOTION by Shoemate, SECOND by Haywood to reconsider item #31. AYE: Shanklin, Patton, Haywood, Shoemate, Givens NAY: Ewing-Holmstrom, Warren. ABSENT: Devine. MOTION CARRIED.

MOTION by Givens, SECOND by Patton to approve Resolution 05-69 with all changes discussed. AYE: Shanklin, Patton, Haywood, Shoemate, Givens. NAY: Ewing-Holmstrom, Warren. ABSENT: Devine. MOTION CARRIED.

The Mayor and Council recessed for ten minutes then reconvened in regular, open session at approximately 8:05 p.m. with roll call reflecting members present with the exception of Councilman Devine.

BUSINESS ITEMS:

32. Hold a public hearing and consider an ordinance changing the zoning from I-3 (Light Industrial District) to I-4 (Heavy Industrial District) zoning classification on property located at 2133 SW 4th Street. Exhibits: Ordinance No. 05-__, Location Map, Site Plan, Application, CPC Minutes.

Deborah Jones, Acting Planning Director, stated this request is for a 2.88-acre tract of land located where SW 4th Street dead ends at the City of Lawton Public Works yard. The property owners and applicants are Gina Marie and David Banky. The Bankys are requesting the property be rezoned for a salvage yard for a potential buyer of the property.

The zoning of the surrounding area is I-4 to the north and I-3 to the south, east, and west. The land use of the surrounding area is Hodges Auto Salvage to the north, City of Lawton Public Works yard to the south and east, and vacant to the west. The 2025 Land Use Plan designates this area as Industrial. The proposed use is a salvage yard which is a Use Permitted on Review in I-4.

On March 24, 2005, the City Planning Commission (CPC) held a public hearing on the rezoning request. No one spoke for or against the request during the public hearing. The CPC, by a vote of 6 to 0, recommended approval of the rezoning. The CPC also approved a Use Permitted on Review for the operation of a salvage yard at this location subject to installation of opaque screening on the south and west property lines to screen the salvage yard from SW 6th Street.

Notice of public hearing was mailed on April 5, 2005 to six property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on April 10, 2005. They have received no calls in favor or opposition.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOTION by Haywood, SECOND by Patton to approve Ordinance 05-15, waive reading of the ordinance, read the title only. AYE: Givens, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: Ewing-Holmstrom. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-15

An ordinance changing the zoning classification from the existing classification of I-3 (Light Industrial District) to I-4 (Heavy Industrial District) zoning classification for a tract of land as described in section one (1) commonly known as 2133 SW 4th Street, authorizing changes to be made upon the official zoning map in accordance with this ordinance.

33. Consider adopting an ordinance closing part of Roosevelt Avenue, part of SW 1st Street, the alley in Block 31, Airport Addition, and the alley in Block 32, Airport Addition and declaring an emergency. Exhibits: Ordinance No. 05-__, Location Map.

Vincent stated this is a companion item to #8 in the consent agenda. It deals with the Nama Creek project. This allows for the closing of a Roosevelt Avenue which has not been used for several years. Property owners have donated the needed easements and right of ways for this project.

Mayor Purcell thanked the property owner, Tompkins Trust, for the donation of the easement. This is a big step in cleaning up this creek.

MOTION by Haywood, SECOND by Ewing-Holmstrom to approve Ordinance 05-16, waive reading of the ordinance, read the title only and declaring an emergency. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-16

An ordinance closing part of Roosevelt Avenue, Part of SW 1st Street, the alley in Block 31, Airport Addition, and the alley in Block 32, Airport Addition, more particularly described in section one and declaring an emergency.

34. Hold public hearings and adopt resolution declaring the structure at: 914 SW E Avenue (originally presented January 11, 2005), to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Resolution No. 05-__

Melissa Laycock, Neighborhood Services Supervisor, presented two photographs of the property. One set of photos were taken on January 11th and the other set taken on this date. The owner has requested sixty days to acquire a permit and work on the property. They were given until March 22nd to secure a permit and did not. There have been no utilities since November 2000. The property was damaged by fire in October 2004. This will be the first property requiring a bond in accordance with emergency Ordinance 05-10.

PUBLIC HEARING OPENED.

Henry Herzig, 1102 SE Flower Mound Road, stated he is the property owner. He has a receipt for a permit, which should be approved later in the week. He will start work on the building next week.

Vincent stated Mr. Herzig can either get a permit to remodel or demolish the structure within 30 days of the passage of this resolution. The property owner must post a cash escrow agreement with his bank giving the City a letter of credit or post a commercial bond.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Warren, to approve Resolution No. 05-70 and declare the structure at 914 SW E. Avenue to be dilapidated and a public nuisance. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

35. Hold a public hearing and consider approval of Ordinance Number 2005-__ amending of Section 18-404.2, Chapter 18, and Section 20-101, Chapter 20 Lawton City Code, 1995, related to regulations governing the use of easements and revocable permits. Exhibits: Proposed Ordinance amending Section 18-404.2 and Section 20-101, Proposed Council Policy governing the use and access to utility easements, Proposed construction standard for fences, playground equipment and accessory building less than 200 square feet in size to be located on utility easements, Proposed letter of notice to remove encroachment from utility easement, Proposed fee structure.

Jones stated approximately one year ago the City Planning Commission and the City Council received a

presentation by the private utility companies regarding the problems of maintaining the use of easements for public and private utilities, access to easements and encroachments onto easements. The Council directed staff to meet with the private utility companies and attempt to limit the types of encroachments onto easements while allowing residential owners some flexibility to fully utilize their lots. To do so by using the building permit process as the means to obtain an administrative revocable permit so the property owner would be on notice that there are limitations to their uses. They were also asked to build in a late charge that would encourage people to get building permits at the appropriate time. They set out a standard that they could hand to people with regard to these small encroachments. They have developed an ordinance that encompasses all these things as well as a fee structure. This is a workable solution for some limited use of easements in the single-family neighborhood while giving the City Council some flexibility to look at larger encroachments such as parking lots, monitoring wells and signage on a case-by-case basis. The first phase of the ordinance states the city will issue a revocable permit through the building permit process and put a record in the courthouse so that property owners know they will be responsible for removing the smaller encroachments. The second phase are those permits that will come before the City Council with a recommendation from the utility companies. The Public Works Director is recommending that those types of encroachments must be ten feet away from the city sewer mains. The third component is the fee structure which is a recommended fee of \$50 for a fence permit, most of which will be applied to the filing of that permit in the courthouse. The fee for an accessory building will be \$75. If a property owner constructs a fence prior to obtaining a building permit, the late charge will be \$300. Along with late fees, charges will be filed against contractors who fail to obtain building permits. On City Council permits the initial fee will be \$500. There is extensive staff time in reviewing these permits. The late fine is recommended at \$1,000. The last component is a City Council policy which recommends that the property owner pay to restore encroachments removed from easements or right of ways. It is also recommended that the private utility companies adopt this policy.

Shanklin questioned exactly how this will affect the homeowner.

Jones stated this would liberalize the process for the homeowner. Instead of coming to the City Council for a revocable permit, they can obtain one through the build permit process. The permit will have the same terms and conditions, but it will not come before the Council because it is for a wooden privacy fence, an accessory building on skids less than 200 feet or playground equipment. Those types of small encroachments. All things will be left the same for the large encroachments like parking lots, landscaping, signage, monitoring wells, etc.

Shanklin questioned if the City Council would see any of the applications if they were turned down.

Jones stated if the application is denied, the applicant could go to the Building Permit Appeal Board.

Vincent stated the two major changes is that staff now has the administrative ability to approve small revocable permits without bringing to the City Council and the requirement that all permits will be filed in County Court so that any subsequent purchaser knows it is out there.

PUBLIC HEARING OPEN

Keith Marple, 5403 NW Sherwood Drive, stated he is the District Manager for Centerpoint Energy. He feels this a great step forward and commended city staff for their diligence in bringing this ordinance forward. He stated Centerpoint Energy fully supports this ordinance.

Warren stated he has fought for years for the right of the citizen to do something on the property that he rightfully purchased. This ordinance does give the homeowner the ability to do some of those things that they have fought about in the past. This is a step forward.

Tim Hushbeck, 2116 NW Columbia, stated he is the Community Affairs Manager for Public Service Company of Oklahoma. He stated this has been a long process and it is a classic case of compromise. He feels that this ordinance is something everyone can live with and will help move the process forward. Everyone will be able to play by the rules from here on out.

PUBLIC HEARING CLOSED.

MOTION by Warren, SECOND by Ewing-Holmstrom to approve Ordinance 05-17, waive reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-17

An Ordinance pertaining to planning and zoning amending Section 18-4-1-404.2, Division 18-4-1, Article 18-4, Chapter 18, Lawton City Code, 1995, by amending regulations governing use of easements, and amending Section 20-1-101, Article 1, Chapter 20, pertaining to streets and sidewalks, relating to the issuance of revocable permits, providing for severability and declaring an emergency.

36. Consider approving Council Policy 5-3 regulations governing the use and access to utility easements. Exhibits: Council Policy ____.

MOTION by Patton, SECOND by Warren to approve Council Policy 5-3 regulations governing the use and access to utility easement. AYE: Patton, Haywood, Warren, Shoemate, Givens, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

37. Consider approving a resolution amending the fees and charges related to revocable permits. Exhibits: Resolution No. 2005-____.

MOVED by Ewing-Holmstrom, SECOND by Givens, to approve Resolution No. 05-71 amending the fees and charges related to revocable permits. AYE: Ewing-Holmstrom, Patton, Haywood, Warren, Shoemate, Givens. NAY: Shanklin. MOTION CARRIED.

38. Consider issuing a new revocable permit for the maneuvering, loading and parking of vehicles upon the street easement along the east side of Ridgecrest Drive for Hoover Elementary School located at 1614 NW 47th Street. Exhibits: Application and site plan, E-mail communications from city departments and private utility companies, Revocable Permit on file in the City Clerk's Office.

Jones stated staff has received a request from Lawton Public Schools to use a portion of the street right of way of Ridgecrest Drive for the maneuvering, loading and parking of vehicles to serve the newly remodeled Hoover Elementary School. The application has been reviewed by the appropriate city departments and all private utility companies. There are no objections to the issuance of this revocable permit.

MOVED by Shoemate, SECOND by Haywood, to approve the issuance of the Revocable Permit to the Lawton Public Schools for 1614 NW 47th Street. AYE: Givens, Shanklin, Patton, Haywood, Warren, Shoemate, NAY: Ewing-Holmstrom. MOTION CARRIED.

39. Consider issuing a new revocable permit for the maneuvering and parking of vehicles upon the street right-of-way along the north side of Quanah Parker Trailway for the First Assembly of God Church located at 2201 NW 82nd Street. Exhibits: Application and site plan, E-mail communications from city departments and private utility companies, Revocable Permit on file in the City Clerk's Office.

Jones stated staff has received an application filed by the First Assembly of God Church to utilize a portion of Quanah Parker Trailway right of way for maneuvering and parking of vehicles. She exhibited a site map showing a 12 water main and a 10 high pressure gas main under the area in question. PSO also has overhead poles and lines and a 10 sewer main is less than 3 feet from the new parking lot. All parties object to the issuance of the permit with the exception of Lawton Cablevision. Staff is recommending denial of the application.

Don Barnes, Pastor of First Assembly of God Church, stated the church built a 30,000 square foot youth center for the youth in Lawton.

Ewing-Holmstrom questioned Pastor Barnes if the church owned the 42 acres adjacent to the property.

Pastor Barnes stated they only own 12 acres and actually lost some land during the widening of 82nd Street. They are requesting this application to accommodate the parking needs of their congregation. People are parking across 82nd Street and walking across the street. They are trying to find a way to provide safe parking.

Ewing-Holmstrom questioned if they considered multi-level parking.

Pastor Barnes stated that was very expensive, but they would consider that option for the future. They have gone to two services to try to alleviate the problem. They do understand if the utilities companies will need to access those lines, that it will be at the expense of the church. They could bring in the estimate to accommodate the sewer line.

MOVED by Patton, SECOND by Haywood, to approve the issuance of the Revocable Permit for maneuvering and parking of vehicles upon the street right-of-way along the north side of Quanah Parker Trailway for the First Assembly of God Church located at 2201 NW 82nd Street. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: Ewing-Holmstrom. MOTION CARRIED.

Mayor Purcell questioned if the City Council just violated the ordinance that was just passed.

Vincent stated that if the ordinance and council policy were in affect the revocable permit would be adjusted so they would move at least ten feet away from the sewer line.

40. Consider Revocable Communication Cable Permit to Indian Nations Fiberoptics, Inc., to combine previously approved permits into one and approve a new Phase V description, all of which would constitute approximately 3,753 rods of fiberoptic cable located in various street rights-of-ways. Exhibits: Revocable Communication Cable Permit, General Location Map.

Jones stated they have received a request from Indian Nations Fiberoptics, Inc. They currently have approved four permits. The fees included in the permit are \$21 per rod for the construction fee as well as \$2.10 per rod for the annual fee. The construction fee for the new Phase V would be \$18,480. The annual fee would be \$7,881.30.

Warren questioned what is a rod.

Jones stated a rod is 16 feet. City Council would be approving 61,924.5 feet.

Shanklin questioned if this was a franchise.

Vincent stated this permit will allow them to use the right of way to lay fiber optic cable. There is currently proposed legislation that would affect this in the future.

Jones stated this term is one year.

Warren questioned if an individual can gain access to this fiber optic system.

It was originally put in years ago for Cameron University, who currently uses this system.

Warren questioned if any other entity, such as Lawton Cablevision, is paying a higher fee. He is concerned that there is an inequity.

Ken Sue Dorfell, 910 NE 75th, stated she is representing Indian Nations Fiberoptics. She stated years ago when Indian Nations came to town some of the first people they met with were representatives from Lawton Cablevision. All of those issues were resolved. Notice was given regarding this application and no one has objected.

Warren is concerned that in the future the citizens of Lawton will not be receiving the same fee from this company that they would from another entity that would transmit that as a utility.

Vincent stated this issue is currently before the U.S. Congress and the FCC as to whether or not we are allowed to charge a franchise fee for the internet access portion of a system. Vincent stated they met with Indian Nations year ago, who were a long distance data transmission who did not provide local service except to Cameron University. He does not believe they are now providing local service.

Shanklin questioned if Indian Nations Fiberoptics were current in paying the City of Lawton.

Jones stated they would pay all of the fees for all five phases if approved.

Ms. Dorfell stated as soon as the permit is approved, checks would be forthcoming.

MOVED by Haywood, SECOND by Shanklin, to approve the issuance of the Revocable Permit to Indian Nations Fiberoptics, Inc. AYE: Haywood, Warren, Shoemate, Givens, Shanklin. NAY: Ewing-Holmstrom
ABSENT: Patton. MOTION CARRIED.

41. Consider adopting an ordinance amending Section 17-2-11-232, Lawton, City Code, 1995, by lowering the restriction of hiring relatives to the division level rather than the department level and declaring an emergency

Jim Scholes, Human Resources Director, stated the Employee Advisory Committee made a recommendation to lower the restrictions to the division level.

MOVED by Haywood, SECOND by Warren, to adopt Ordinance No. 05-18 and waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Haywood, Warren, Shoemate, Givens, Shanklin, Patton. NAY: Ewing-Holmstrom. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-18

An Ordinance pertaining to personnel policies and procedures amending Section 17-2-11-232, Division 17-2-11, Article 17-2, Chapter 17, Lawton City Code, 1995, by lowering the restriction of hiring relatives to division level, providing for severability and declaring an emergency.

42. Consider adopting an ordinance amending Section 17-1-6-163, Lawton City Code, 1995, by deleting the provision concerning historical sick leave, by redefining on the job injury leave and clarifying ordinary sick leave, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____.

Scholes stated this ordinance would change from 26 weeks of 100% pay to eighty hours of 100% salary then pay at the state workers compensation law rate for the remainder of the authorized time away from work. The yearly average that would be affected would be 13 people. Eleven had more than two weeks in temporary disability and two that were actually off work more than 13 weeks in the last three years. This would align Lawton with the State regulations.

Mike Dudley, 1006 B Avenue, stated he has been an employee of the City of Lawton for 25 years. He stated the total state, federal, FICA and other weekly benefits that come out of his check equal 28%. He stated in the proposed ordinance the employee will only be paid 70%, which is a 30% reduction. He understands he would still have to pay his bi-weekly deductions, which means he will end up with only 54% of his paycheck. He asked that the City Council consider this even though it may only affect two people.

Scholes stated that there is some suspected abuse in the system, they want to encourage the employee to follow doctors orders and return to work. This also changes the way the City deals with the light duty policy.

Vincent stated currently there is a very effective light duty policy within the Lawton Police Department. This would change the policy for general employees and model after the police. Even though they cannot perform their full job, they can come back and be productive at 100% salary. If this works they will explore this possibility within the Fire Department. The goal with this whole program is to get an employee back to productive work in a full or light duty capacity.

Patton stated there are employees with legitimate injuries and he feels this will penalize those employees.

Vincent stated an option would be to change the proposed 80 hours to 13 weeks which would cover all but two employees in the statistic. This would be a step ahead of the current policy. Some of the other changes incorporated into the light duty policy need to be made.

Patton stated he would like to see the light duty policy implemented in the Fire Department before the general employees.

Vincent stated this change would have to be negotiated with the Fire union.

Warren questioned what was the current police and fire policy with regards to payment for disability.

Vincent stated it is regulated by state statute. The city has been more liberal for a number of years.

Shanklin questioned how much money they were talking about.

Vincent stated it will end up being a few percentage points from being the same amount. The full salary paid for the 26 weeks is taxable. The proposed salary is non-taxable.

Patton questioned if they still had to pay their insurance.

Scholes stated it is the same dollars left over out of the employee s pocket. The taxes are the only difference.

Givens questioned what was their option.

Vincent stated they could leave the 26 weeks in place as opposed to the 10 working days, on page 202 change 520 hours to 1,040, but change the light duty policy.

MOVED by Warren, SECOND by Shoemate, to adopt Ordinance No. 05-19 as amended and waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Warren, Shoemate, Givens, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-19

An Ordinance pertaining to personnel policies and procedures amending Section 17-1-6-163, Division 17-1-6, Article 1712, Chapter 17, Lawton City Code, 1995, by deleting the provision concerning historical sick leave, by redefining on the job injury leave and clarifying ordinary sick leave, providing for severability and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Warren stated he applied for a building permit this week and the process was completely painless.

Haywood stated there will be a South Lawton Youth Rally at 11:00 in Cook Park. The rally is sponsored by Weed and Seed, Lawton Housing Authority and Lawton View Neighborhood Association.

Patton stated that when the City Council passed the moratorium on billboards, his understanding was that they would honor any applications that were already on file. They would not grant any new permits.

Givens stated the moratorium was on the issuance of permits period. Even if they had an application on file.

Ewing-Holmstrom stated that the intersection at 45th and Lee is really coming along. She encouraged everyone to learn what goes on at City Hall. It is a civic duty to learn what happens to taxpayers money and why they vote the way they do.

Shoemate complimented the city staff. He has had many constituents call him about streets and run down homes in their neighborhoods. Every time he has gone to a department with a complaint, that day they have gone out and checked the problem. Staff is very efficient.

Mayor Purcell stated there would be a budget briefing on Thursday, April 28th. Michael Crawford will be coming to Lawton from Oklahoma City. Mayor Purcell questioned if there will be a quorum.

It was determined that there would not be a quorum.

Mitchell stated he will cancel the briefing and will present the preliminary budget at the budget workshop on May 3rd.

Mayor Purcell stated the City Council would need to mark their calendars every Tuesday and Thursday night at 6:00 p.m. until the budget is approved. He also reminded the City Council of the Swearing In Ceremony on Monday, May 2nd at 9:00 a.m.

MOVED by Shanklin, SECOND by Warren, to convene in executive session to consider the items shown on the agenda and as recommended by the legal staff. AYE: Shanklin, Patton, Haywood, Shoemate, Givens, Ewing-Holmstrom, Warren. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 9:32 p.m. and reconvened in regular, open session at 9:46 p.m. Roll call reflected all members present excluding Ewing-Holmstrom.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

43. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Workers Compensation claim of Thomas C. Melton, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of Item 43 shown above. He said the Council convened in executive session to discuss the item and said the Council discussed the current status of the case. Vincent said no action is required in open session.

44. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the consolidated law suit, in the Comanche County District Court, Comanche County Rural Water District No. 1, et al vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-928; and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of Item 44 shown above. He said the Council convened in executive session to discuss the item and said the Council discussed the current status of the case. Council was advised that the trial is scheduled for the week of October 24, 2005. Vincent said no action is required in open session.

45. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending applications of Meers-Saddle Mountain Ranch before the Oklahoma Water Resources Board, Stream Water No. 2003-41 and Ground Water Nos. 2003-598, 2003-599 and 2004-572, and if necessary, take appropriate action in open session. Exhibits: None. Page 206

Vincent read the title of Item 45 shown above. He said the Council convened in executive session to discuss the item and said the Council received a report on the current status of the case. Vincent said no action is required in open session.

There being no further business to consider, the meeting adjourned at 9:49 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK